

REGULAR MEETING  
May 13, 2002

The Regular Meeting of the Annapolis City Council was held on May 13, 2002 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Hoyle, Kelley, Cordle, Fox, Cohen

Alderman Carter arrived at 7:38 p.m.

Staff Present: City Attorney Goetzke

Awards and Presentations

C Mayor Moyer proclaimed the week of May 19-25, 2002 to be National Save a Life Week

C Mayor Moyer presented a Glittering Gems of Annapolis Award to Jay Baldwin

C Mayor Moyer proclaimed the week of May 19-25, 2002 to be National Safe Boating Week

C Mayor Moyer proclaimed the week of May 18-25, Safe Boating Week

**PETITIONS, REPORTS AND COMMUNICATIONS**

C Public Works Director Smith gave a brief report on disaster aid to La Plata

C Transportation Master Plan Presentation

Transportation Board Chair Chase, 311 Tucker Street, Annapolis, MD 21403, and Planning & Zoning Director Arason gave a brief presentation and answered questions from Council.

C Planning Commission Report on R-14-02

Planning Commission Chair Scott, 308 Carriage Run Road, Annapolis, Maryland 21403, gave a brief presentation in favor of R-14-02 and answered questions from Council.

C IT Strategic Plan Presentation

MIT Manager Thorn and Director Robert Knaus (Pacific Technologies, Inc., Southeast, 14711 NE 29<sup>th</sup> Place, Suite 216, Bellevue, WA 98007) gave a brief presentation and answered questions from Council.

C Hon. Samuel Gilmer  
2046 Forest Drive  
Annapolis, MD 21401

Spoke regarding O-18-02

C Hon. Herbert H. McMillan  
417 Fox Hollow Lane  
Annapolis, MD 21403

Spoke regarding FY03 Fire Union Collective Bargaining Agreement

C Francis J. Collins, Esq.  
Kahn, Smith and Collins, P.A.  
201 North Charles Street, 10<sup>th</sup> Floor  
Baltimore, MD 21201

Spoke regarding FY03 Fire Union Collective Bargaining Agreement

- C John Mohitch  
109 Claude Street  
Annapolis, MD 21401

Spoke regarding FY03 Fire Union Collective Bargaining Agreement

- C Robert F. Christian  
326 Windell Avenue  
Annapolis, MD 21401

Spoke regarding FY03 Fire Union Collective Bargaining Agreement

- C Alice Berry  
114 Melvin Ave  
Annapolis, MD 21401

Spoke praising Annapolis Firefighters

- C R. Scott Svoboda  
130 Penny Lane  
Stevensville, MD 21666

Spoke regarding FY03 Fire Union Collective Bargaining Agreement

- C Daniel Grimes  
President, Local 1926, International Association of Firefighters, AFL-CIO  
Annapolis Professional Firefighters  
705 Benfield Road  
Severna Park, MD 21146

Spoke regarding FY03 Fire Union Collective Bargaining Agreement

- C George Nasif  
94 Summerfield Drive  
Annapolis, MD 21403

Spoke requesting grant approval for Annapolis Business Association/ Flowers by the Bay

- C Steve Linhard  
1004 Jackson Street  
Annapolis, MD 21403

Spoke in favor of O-10-02

The meeting recessed at 9:30 p.m. and reconvened at 9:38 p.m.

- C Alderman Hammond moved to approve the Journal of Proceedings for April 8, 2002, April 22, 2002 and April 29, 2002. Seconded. CARRIED on voice vote.

## **LEGISLATIVE ACTION**

### **ORDINANCES**

- O-10-02 For the purpose of repealing and adding new Annapolis City Code Chapter 17.10, Stormwater Management; and matters generally relating**

**to said Stormwater Management.**

The Environmental Matters and the Economic Matters Committees reported favorably with amendments on O-10-02.

Alderman Fox moved to adopt O-10-02 on second reading. Seconded.

Following discussion, Alderman Tolliver moved to table and send back to the committees O-10-02.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Hoyle, Kelley, Cohen

NAYS: Mayor Moyer, Aldermen Cordle, Carter, Fox

CARRIED: 5-4

Referred to the Environmental Matters and the Economic Matters Committees

**O-11-02 For the purpose of allowing trailers to be parked, while attached or detached to a motor vehicle, upon any public street, lane or alley in Annapolis for no more than seven consecutive days; providing that certain small trailers, less than five feet in width and ten feet in length, be excluded from this provision; allowing the towing of trailers parked in violation of Annapolis City Code Section 12.20.110; and matters generally relating to said parked trailers.**

Alderman Cohen moved to postpone O-11-02 to the next regular meeting of Council. Seconded. CARRIED on voice vote.

**O-12-02 For the purpose of defining injury or defacement of a building, structure or object with a motivation of racial or religious hatred or animosity; and matters generally relating to said definition.**

Alderman Tolliver moved to adopt O-12-02 on second reading. Seconded. CARRIED on voice vote.

Alderman Hoyle moved to adopt O-12-02 on third reading. Seconded. CARRIED on voice vote.

**O-15-02 For the purpose of conveying, by quit claim deed, whatever rights, title and interest the City has in certain real property located in the City of Annapolis to Annapolis MPK Venture, L.L.C.; providing for the property to be sold at private sale, authorizing Annapolis MPK Venture, L.L.C. to pursue zoning permits etc. relating to the property before the interest, if any, hereby conveyed is perfected; and all matters relating to rights, title and interest in such property.**

C Alderman Hammond moved to adopt O-15-02 on second reading. Seconded.

The Finance Committee reported favorably on O-15-02.

Alderman Hammond moved to substitute O-15-02 Revised for O-15-02 on second reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend O-15-02 Revised as follows:

**No. 1**

On Page 2, line 24

*strike* "**WHEREAS**, by its decision dated May 7, 2002, the Annapolis Board of Appeals approved the development of the Property, including the Park and Right-Of-Way subject to certain terms and conditions; and";

*add* "**WHEREAS**, the Property, including the Park and Right-of-Way, shall be developed in accordance with the decision of the Annapolis Board of Appeals.",

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**No. 2**

On Page 3, line 34

*strike* "**dated May 7, 2002**".

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Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to adopt O-15-02 Revised amended on third reading. Seconded. CARRIED on voice vote.

**O-19-02 For the purpose of repealing in its entirety and adding new Annapolis City Code Chapter 14.12, Trees, so as to define the duties of the environmental commission, the department of public works and the director of public works with regard to trees in the City of Annapolis; to provide regulations concerning the removal and maintenance of trees in public areas and in the conservation areas; to provide for the creation and enforcement of a master street tree plan and a tree planting program; to provide for the abatement of certain nuisances; and matters generally relating to said chapter.**

Alderman Hammond moved to adopt O-19-02 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee and the Environmental Commission

**O-20-02 For the purpose of specifying the number of vehicles and motorcycles permitted to park in metered parking spaces; providing that all vehicles and motorcycles in violation are to be fined; and matters generally relating to said parking of vehicles and motorcycles.**

Alderman Hammond moved to adopt O-20-02 on first reading. Seconded. CARRIED on voice vote.

Referred to Public Safety Committee

**RESOLUTIONS**

**R-11-02 For the purpose of creating a task force to study and to offer a public forum to examine City policy pertaining to sidewalk use, access, maintenance and construction; and all matters relating to said task force.**

Alderman Carter moved to adopt R-11-02 on second reading. Seconded.

C Alderman Hammond moved to amend R-11-02 as follows:

**No. 1**

On Page 1, line 39

*strike* "1. The Mayor shall appoint nine (9) Annapolis residents to serve as members of the Task Force";

*add* "1. Nine (9) Annapolis residents shall be appointed to serve as members of the Task Force;";

**No. 2**

On Page 2, line 1

*strike* "3. One member shall be appointed to represent and reside in each of the City's eight (8) wards and the 9<sup>th</sup> member shall serve at-large";

*add* "3. Each alderman shall appoint a resident from his/her respective ward to serve as a member of the Task Force to represent their ward and the Mayor shall appoint the 9<sup>th</sup> member to serve at-large;".

Seconded.

C Alderman Hoyle moved to discuss separately Alderman Hammond's amendments.

C Alderman Hammond moved to amend R-11-02 as follows:

**No. 1**

On Page 1, line 39

*strike* "1. The Mayor shall appoint nine (9) Annapolis residents to serve as members of the Task Force";

*add* "1. Nine (9) Annapolis residents shall be appointed to serve as members of the Task Force;";

Seconded. CARRIED on voice vote.

C Alderman Hammond moved to amend R-11-02 as follows:

**No. 2**

On Page 2, line 1

*strike* "3. One member shall be appointed to represent and reside in each of the City's eight (8) wards and the 9<sup>th</sup> member shall serve at-large";

*add* "3. Each alderman shall appoint a resident from his/her respective ward to serve as a member of the Task Force to represent their ward and the Mayor shall appoint the 9<sup>th</sup> member to serve at-large;".

Seconded.

C Alderman Hoyle moved to amend Alderman Hammond's amendment No. 2 as follows:

*strike* "3. Each alderman shall appoint a resident from his/her respective ward to serve as a member of the Task Force to represent their ward and the Mayor shall appoint the 9<sup>th</sup> member to serve at-large;".

*add* "3. The Mayor shall appoint a member from each ward, as recommended by the Alderman of that ward, as a member of the Task Force to represent their ward and the Mayor shall appoint the 9<sup>th</sup> member to serve at large.

C Alderman Cohen moved to amend Alderman Hoyle's amendment as follows:

*add* "3. Subject to confirmation of the Council, the Mayor shall appoint a member from each ward, as recommended by the Alderman of that ward, as a member of the Task Force to represent their ward and the Mayor shall appoint the 9<sup>th</sup> member to serve at large.

Seconded. CARRIED on voice vote.

C Alderman Tolliver moved to amend R-11-02 as follows:

on page 2, line 27

*strike* "adoption of this resolution";

*add* "confirmation of the appointment of the members"

Seconded. CARRIED on voice vote.

C Alderman Hammond moved to amend R-11-02 as follows:

on page 2, line 16

*add* after "maintenance" ", fiscal impact"

Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

**R-12-02 For the purpose of consenting to the merger, transfer of control of cable television franchise and corporate conversion to a limited liability company of cable television franchisee Comcast Corporation; and all matters relating to said consent.**

Without objection R-12-02 was postponed.

**R-7-02 For the purpose of encouraging the residents and property owners of the Chesapeake Harbour subdivision to annex into the City of Annapolis.**

Alderman Cohen moved to adopt R-7-02 on first reading. Seconded. CARRIED on voice vote.

**R-15-02 For the purpose of approving the fee schedule pursuant to the adoption of the current expense budget for the City of Annapolis for the fiscal year 2002-2003, beginning July 1, 2002 and ending June 30, 2003; and all matters relating to said fee schedule.**

Alderman Tolliver moved to adopt R-15-02 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

**R-16-02      For the purpose of waiving the fees for City services to be provided in connection with the Maryland Avenue Annual Street Festival to be held on October 5, 2002; and all matters relating to said waiver of fees.**

Alderman Carter moved to adopt R-16-02 on first reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to suspend the rules to allow passage of the resolution at the meeting of its introduction.

Alderman Hammond moved to adopt R-16-02 on second reading. Seconded. CARRIED on voice vote.

**R-17-02      For the purpose of endorsing the development of a plan that will achieve quality, affordable health care for all Marylanders; and all matters relating to said health care.**

Alderman Carter moved to adopt R-17-02 on first reading. Seconded. CARRIED on voice vote.

Alderman Tolliver recused herself due to a possible conflict.

**R-18-02      For the purpose of supporting the Annapolis Fire Department Strategic Plan; and all matters relating to said plan.**

Alderman Hammond moved to adopt R-18-02 on first reading. Seconded. CARRIED on voice vote.

#### **ANNEXATION PETITION**

**R-13-02      For the purpose of annexing into the boundaries of the City of Annapolis certain property fronting Aris T. Allen Boulevard to the north and east, undeveloped residentially zoned land to the west, undeveloped residentially zoned land to the south and east and to the south and west, contiguous to the existing boundary of the City of Annapolis.**

Alderman Hammond moved to adopt R-13 -02 on first reading. Seconded. CARRIED on voice vote.

**O-17-02      For the purpose of establishing a zoning classification of R1-A, Single-Family Residence District, for the property fronting Aris T. Allen Boulevard to the north and east, undeveloped residentially zoned land to the west, undeveloped residentially zoned land to the south and east and to the south and west, contiguous to the existing boundary of the City of Annapolis; and all matters relating to said zoning map amendment.**

Alderman Hammond moved to adopt O-17-02 on first reading. Seconded. CARRIED on voice vote.

Referred to Planning Commission

## **BUSINESS AND MISCELLANEOUS**

### ■ Finance Committee Meeting Recommendations dated April 25, 2002

Alderman Hammond moved to accept the Finance Committee Recommendations for Action dated April 25, 2002. Seconded. CARRIED on voice vote.

### ■ Payment of Monthly Bills

Alderman Carter moved to pay the monthly bills. Seconded. CARRIED on voice vote.

### ■ Appointments

Alderman Hammond moved to approve the Mayor's (re)appointments of the following individuals:

4/15/02 Art in Public Places .....	Cindy Fletcher-Holden
4/22/02 Annapolis Conservancy .....	Saunders C. Hillyer
4/22/02 Board of Appeals .....	Christopher Jakubiak
4/22/02 Building Board of Appeals .....	Michael M. Drum
4/22/02 Commission on Aging .....	Donald Aranson
4/30/02 Transportation Advisory Board .....	Pat LoCascio
4/30/02 Housing & Community Development Committee .....	Johnny R. Calhoun

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:00 p.m.

Deborah Heinbuch, CMC/AAE  
City Clerk